

PATUNAS LAW LLC

Michael E. Patunas
mpatunas@patunaslaw.com

December 29, 2017

VIA ECF

Hon. Stanley R. Chesler, U.S.D.J.
United States District Court
Martin Luther King, Jr. Federal Courthouse
50 Walnut Street
Newark, NJ 07102

**Re: *Impax Laboratories, Inc. v. Actavis Laboratories FL, Inc. And Actavis Pharma Inc.*,
Civil Action No. 15-6934 (SRC/CLW) (Consolidated)**

Dear Judge Chesler:

This firm, together with Kirkland & Ellis LLP, represents Plaintiff Impax Laboratories, Inc. in this matter. In light of the U.S. Patent and Trademark Office's November 24, 2017, Notice of Intent to Issue Ex Parte Reexamination Certificate cancelling all claims of U.S. Patent No. 7,094,427, enclosed please find a proposed Stipulation of Dismissal Regarding U.S. Patent No. 7,094,427. Defendants Actavis Laboratories FL, Inc. and Actavis Pharma Inc. consent to the entry of the enclosed Stipulation of Dismissal Regarding U.S. Patent No. 7,094,427.

If the proposed Stipulation of Dismissal Regarding U.S. Patent No. 7,094,427 meets with your approval, we ask that you So Order the proposed stipulation and have it entered on the docket. We thank the Court for its consideration and assistance.

Respectfully,

/s/ Michael E. Patunas

Michael E. Patunas

Enclosure

cc: All Counsel of Record (via ECF and e-mail)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

STIPULATION OF DISMISSAL REGARDING U.S. PATENT NO. 7,094,427

WHEREAS, Plaintiff Impax Laboratories, Inc. (“Impax”) had previously brought claims of patent infringement of U.S. Patent No. 7,094,427 (the “427 Patent”) against Defendants Actavis Laboratories FL, Inc. and Actavis Pharma Inc. (collectively, “Actavis”) (Impax and Actavis, collectively the “Parties”) in the above-captioned action;

WHEREAS, Actavis had previously brought counterclaims of non-infringement and/or invalidity of the '427 Patent against Impax in the same action;

WHEREAS, on November 24, 2017, the U.S. Patent and Trademark Office issued a Notice of Intent to Issue Ex Parte Reexamination Certificate cancelling all claims of the '427 patent;

WHEREAS, the Parties consented to a dismissal of all of their claims and counterclaims regarding the '427 Patent;

NOW, THEREFORE,

IT IS HEREIN STIPULATED that, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), all claims and counterclaims of the parties regarding the '427 Patent are dismissed with prejudice and each party shall

bear its own costs, expenses and attorneys' fees associated with the litigation of any claims or counterclaims of the '427 Patent.

SO STIPULATED:

s/ Michael E. Patunas

Michael E. Patunas
PATUNAS LAW LLC
24 Commerce Street, Suite 606
Newark, NJ 07102
(973) 396-8740

s/ Liza M. Walsh

Liza M. Walsh
Hector D. Ruiz
Eleonore Ofose-Antwi
WALSH PIZZI O'REILLY FALANGA LLP One
Riverfront Plaza
1037 Raymond Blvd., Suite 600
Newark, New Jersey 07102
(973) 757-1100

Of Counsel:

James F. Hurst (admitted *pro hac vice*)
Marcus E. Sernel, P.C. (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
(312) 862-2000

Jeanna M. Wacker (admitted *pro hac vice*)
Mira A. Mulvaney (admitted *pro hac vice*)
Gregory Springsted (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
(212) 446-4800

Attorneys for Plaintiff
Impax Laboratories, Inc.

Of Counsel:

J. Anthony Downs (admitted *pro hac vice*)
Brian T. Drummond (admitted *pro hac vice*)
Kenneth L. Mueller (admitted *pro hac vice*)
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
Tel.: (212) 570-1100

Daniel P. Margolis (admitted *pro hac vice*)
GOODWIN PROCTER LLP
The New York Times Building
620 8th Avenue
New York, NY 10018
Tel.: (212) 813-8800

Attorneys for Defendants Actavis Laboratories
FL, Inc. and Actavis Pharma Inc.

Dated: December 29, 2017

SO ORDERED this _____ day of January, 2018.

Hon. Stanley R. Chesler, U.S.D.J.